UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,703	01/25/2002	Mark Avnet	3600-350	9029

7590   04/05/2006

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PATENT & TRADEMARK OFFICE

EXAMINER
JONES III, CLYDE H

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-5_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-5_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _01 October 2002_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Knudson

et al. (US 6,536,041 B1).

        Regarding claims 1 and 4, Knudson teaches . A system (and corresponding

method) for broadcast program signal application comprising:

        means for monitoring a broadcast (television) signal to obtain data insertion (in-

band/out-of band data) information therefrom (col. 5, lines 49-52;col. 6, lines 26-39; in

which Knudson teaches a cable headend/TV distribution facility – 26, fig. 1- inserting

real-time data, e.g. stock, sports score information, into a television signal; Knudson

inherently discloses the headend monitoring the television signal to obtain data

insertion information, because the headend monitors the incoming TV signals, e.g. from

the content providers, to determine where in the signal to add the real-time data, e.g.,

the headend monitors incoming TV signal's VBI to insert the real-time data into it).

means for generating a data (real-time data) stream for insertion into the

broadcast signal (30 and 40 – fig. 1; col. 2, lines 44-56; col. 5, lines 53-64; col. 6, lines

19-25); and,

means for inserting the data stream into the broadcast signal in real time to

generate a single output signal (broadcast link 50 – fig. 1) for broadcast transmission

(col. 2, lines 44-56; col. 6, lines 26-52; col. 7, lines 21-24; col. 7, lines 64-col. 8, line 1).

Regarding claims 2 and 5, Knudson teaches means for selecting data from a

data source (col. 11, lines 54-66; col. 12, lines 5-7; col. 12, lines 57-59; in which real

time data has ID/key information used for selecting specific real time data, e.g.,

selecting only sports scores real-time data); and,

means for automatically generating the data stream for insertion into the

broadcast signal (col. 8, line 58-col. 9, line 3; col. 9, lines 22-25; col. 11, lines 40-49 &

fig. 8; col. 21, lines 44-58; in which the program guide maintains the real-time data and

accesses/generates the real-time data automatically, i.e., essentially independently)

based upon pre-established templates (EPG display real-time program listings formats

– fig. 3, 6, 7 or EPG real-time ticker formats - fig. 13) comprised of decision lists to edit

the data selected (preference/selected category – fig. 5 or fig. 16) (col. 8, line 49-col. 9,

line 3; col. 9, lines 26-34; col. 10, lines 15-36; col. 12, lines 49-6; What's On Now list –

fig. 6 or Today's Games list – fig. 8; fig. 18 – 278; fig. 19 – step 230; col. 13, lines 51-59;

col. 14, lines 27-37 & 44-64; fig. 27a-c).

Regarding claim 3, Knudson teaches character (text) generation means capable of inserting data (real-time information) from the data source into the pre-established templates (EPG listing/ticker formats) (100, 96 – fig. 3 inserts real-time text into the What's On Now EPG format 90; col. 9, lines 26-34; col. 10, lines 46-51; col. 12, lines 49-53; also real-time text information is generated in the EPG ticker format - fig. 13 & col. 13, lines 50-60; col. 14, lines 27-37; col. 14, lines 44-53 & 60-64; fig. 27a-c).

3.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clyde H. Jones III whose telephone number is 571-272-5946. The examiner can normally be reached on 9-5:30 p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJ

CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

		Application/Control No.	Applicant(s)/Patent Under Reexamination
Notice of References Cited		10/057,703	AVNET, MARK
		Examiner	Art Unit	
		Clyde H. Jones III	2623	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,536,041 B1	03-2003	Knudson et al.	725/39
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

PITNEY BOWES

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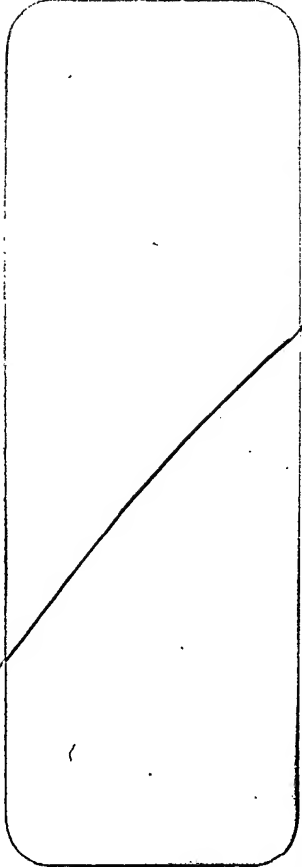
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